



Notice of Service of Process

A3M / ALL
Transmittal Number: 27848852
Date Processed: 10/19/2023

Primary Contact: Sharon Brooks - MS 08-A
The Travelers Companies, Inc.
1 Tower Sq
Rm 8MS
Hartford, CT 06183-0001

Entity:	Travelers Casualty Insurance Company of America Entity ID Number 2317367
Entity Served:	Travelers Casualty Insurance Company of America(Travelers Casualty and Surety Company of Illinois)
Title of Action:	Stephen B. Kaufman vs. Travelers Casualty Insurance Company Of America
Matter Name/ID:	Stephen B. Kaufman vs. Travelers Casualty Insurance Company Of America (14745955)
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court/Agency:	Bronx County Supreme Court, NY
Case/Reference No:	813168/2023E
Jurisdiction Served:	New York
Date Served on CSC:	10/18/2023
Answer or Appearance Due:	30 Days
Originally Served On:	NY Department of Financial Services on 10/17/2023
How Served:	Federal Express
Sender Information:	Law Office Of Schwartz and Greenwood, P.C., 718-347-6100

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

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**Department of
Financial Services**

KATHY HOCHUL
Governor

ADRIENNE A. HARRIS
Superintendent

STATE OF NEW YORK
Supreme Court, County Of Bronx

813168/2023E

Stephen B. Kaufman and Law Office of Stephen B. Kaufman,
P.C.

Plaintiff(s)

against

Defendant(s)

Travelers Casualty Insurance Company of America(Travelers
Casualty and Surety Company of Illinois)

RE :Travelers Casualty Insurance Company of America(Travelers Casualty and Surety Company of Illinois)
Attorney for Plaintiff(s) and Defendant(s) please take notice as follows:

Attorney for Plaintiff(s) is hereby advised of acknowledgement of service upon this Department
Summons and Verified Complaint Notice of E-Filing in the above entitled action on October 17, 2023 at
Albany, New York. The \$40.00 fee is also acknowledged.

Original to Attorney for Plaintiff(s):

Law Office of Schwartz and Greenwood, P.C.
246-16 Union Turnpike
Bellerose, New York 11426

Pursuant to the requirement of section 1212 of the Insurance Law, Defendant(s) is hereby notified of
service as effected above. A copy of the paper is enclosed.

Duplicate to Defendant:

Corporation Service Company
Travelers Casualty Insurance Company of America(Travelers Casualty and Surety Company of
Illinois)
80 State Street
Albany, New York 12207-2543

A black and white photograph of a signature, likely of Rawle Lewis, written in ink on a document.

Rawle Lewis
Director of Producer Licensing

Dated Albany, New York, October 17, 2023
724921 alic0phd

(http://www.dfs.ny.gov/)

SECURE
PORTAL**Ins. Company Search****Company Detail**[Company Search](#) [Print or Save details](#)

NAIC#: 19046 DOM: Connecticut Group: Travelers Group Phone: 860-277-0111
 CPAF: 6 ORG: PC Group#: 3548 Spl Risk:
 DMV#: 722 Website: STPAULTRAVELERS.COM Admitted Dt: 12/01/1982 Fld: 060876835

Travelers Casualty Insurance Company of America
One Tower Square
Hartford, CT 06183

Company Name History:

(No Data Available)

Current Writing Powers:**NYS**

Insurance Law Section Code	Line of Business	Description
1113(a)	3	Accident And Health
1113(a)	4	Fire
1113(a)	5	Miscellaneous Property
1113(a)	6	Water Damage
1113(a)	7	Burglary And Theft
1113(a)	8	Glass
1113(a)	9	Boiler And Machinery
1113(a)	10	Elevator
1113(a)	11	Animal
1113(a)	12	Collision
1113(a)	13	Personal Injury Liability
1113(a)	14	Property Damage Liability
1113(a)	15	Workers' Compensation And Employers' Liability
1113(a)	16	Fidelity And Surety
1113(a)	17	Credit
1113(a)	19	Motor Vehicle And Aircraft Physical Damage
1113(a)	20	Marine And Inland Marine
1113(a)	21	Marine Protection And Indemnity
1113(a)	22	Residual Value
1113(a)	26	Gap
1113(a)	29	Legal Services
4102(c)	I&R	, And As Authorized By Section 4102(C), Insurance Of Every Kind Or Description Outside Of The United States And Reinsurance Of Every Kind Or Description

HELP AND INFORMATIONGet Help ([/web/guest/portal-help](http://web/guest/portal-help))Visit Us (<http://www.dfs.ny.gov>)

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
STEPHEN B. KAUFMAN and LAW OFFICE, P.C.

Plaintiff/Petitioner,

- against -
TRAVELERS CASUALTY INSURANCE COMPANY

Index No. 813168/2023E

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Commencement Case)
(Uniform Rule § 202.5-bb(a)(2)(v) and (vi))**

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, was required to file this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you **must** have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing Commencement Documents is Mandatory)**

Attorneys representing a party must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to www.nycourts.gov/efile.

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 9/8/2023

Jeffrey Greenwood, Esq.
Name

246-16 Union Turnpike
Address

Law Office of Schwartz and Greenwa
Firm Name

Bellerose, NY 11426

718-347-6100
Phone

john.rjs.law@gmail.com
E-Mail

To: United Process Service, Inc.

225 Broadway, Suite 440

New York, NY 10007

6/6/18

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 813168 / 2023 E
Date Purchased: 8/28 / 2023

-----X
STEPHEN B. KAUFMAN and LAW OFFICE OF STEPHEN B. KAUFMAN, P.C.,

SUMMONS

Plaintiffs,

Plaintiff designates
Bronx County as the
place of trial.

-against-

The basis of venue is:
Place of occurrence

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA,

Defendant.

Incident occurred at:
3397 East Tremont Avenue
Bronx, NY 10461

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To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiffs' attorneys within twenty days after service of this summons, exclusive of the day of service, where service is made delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgement will be taken against you by default for the relief demanded in the complaint.

Dated: Bronx, NY
August 28, 2023

Yours, etc.,
LAW OFFICE OF SCHWARTZ AND
GREENWOOD, P.C.



By: Jeffrey Greenwood, P.C.
Attorneys for Plaintiffs
246-16 Union Turnpike
Bellerose, NY 11426
(718) 347-6100

DEFENDANT'S ADDRESS:

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA

P.O. Box 650293

Dallas, TX 75265-0293

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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STEPHEN B. KAUFMAN and LAW OFFICE OF STEPHEN B. KAUFMAN, P.C.,
Index No.: 81316812023E

Plaintiffs,

VERIFIED COMPLAINT

-against-

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA,

Defendants.
-----X

Plaintiffs STEPHEN B. KAUFMAN and LAW OFFICE OF STEPHEN B. KAUFMAN, P.C. ("Plaintiffs"), by and through its Attorneys, Law Office of Schwartz and Greenwood, P.C., for its Complaint against TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA ("TRAVELERS") states as follows:

INTRODUCTION

1. This action is brought to recover damages incurred by Plaintiffs to TRAVELERS's breach of contract by its failure to pay a premises damage claim for water damage that occurred on September 2, 2021.

PARTIES, JURISDICTION AND VENUE

2. At all times hereinafter mentioned, Plaintiff STEPHEN B. KAUFMAN, was an attorney admitted to the practice of law before the Courts of the State of New York and remains in good standing.

3. Plaintiff Stephen B. Kaufman is the managing shareholder of the LAW OFFICE OF STEPHEN B. KAUFMAN, P.C., a professional corporation duly licensed and authorized to the practice of law in the State of New York.

4. Upon information and belief, at all times hereinafter mentioned, TRAVELERS was and is an insurance company licensed to transact insurance business in New York.

STATEMENT OF FACTS

5. At all times hereinafter mentioned, Plaintiffs operated an office for the practice of law out of certain real property located at 3397 East Tremont Avenue, Bronx, New York (the "Premises").

6. TRAVELERS is authorized to write insurance in the State of New York, which under Insurance Law §1212 designates the Superintendent of Insurance to accept service on its behalf and act as an agent for service of process.

7. On or about February 19, 2021, in consideration of the premium paid by Plaintiffs, TRAVELERS issued a policy of insurance bearing Policy No. 680-7632x823-21-42 (the "Policy"). The Policy period was for one year commencing April 5, 2021, and provided, inter alia, the following coverages in the following amounts:

Business Personal Property:

\$143,764.00 + \$25,000.00

Business Income

Unlimited.

Personal Property of Others

\$25,000.00

8. The above coverages included coverage for risk of loss due to water damage.

9. On or about September 2, 2021, and while the Policy was in full force and effect, portions of the Premises and its contents were either substantially damaged or totally destroyed by water entering the Premises due to a severe storm. Said damage did not result from any of the causes excepted by the Policy.

10. The loss was reported to TRAVELERS the next day, September 3, 2021.

11. To assist in the filing of their claim, Plaintiffs retained the services of Phil Davidson, a certified public adjuster to interact with TRAVELERS in processing and documenting Plaintiffs' losses and damages.

12. Extensive documentation was provided to TRAVELERS representatives, including specifically to their claims representatives, KIMBERLY DAWN GREEN and NATHAN KINN.

13. On November 8, 2021, TRAVELERS forwarded to Plaintiffs a denial of benefits letter ("Denial Letter") rejecting the claim.

14. As per said Denial Letter, TRAVELERS took the following position: "Travelers Casualty Insurance Company of America determined that your policy does not cover interior water damages to your rental unit without the building first sustaining a storm created opening that allowed the water to enter the building" and furthermore, "Our research found the damaged to the interior of your rental unit due to water which entered the building without first sustaining damages to the exterior of the building".

15. Plaintiff has fully and duly cooperated with TRAVELERS in the investigation of this loss, and has performed all of the conditions of the Policy on its part to be performed.

16. The Denial Letter and failure to provide insurance coverage by TRAVELERS is nothing more than a subterfuge to not pay on a legitimate, just and proper claim by Plaintiffs.

FIRST CAUSE OF ACTION

17. Plaintiff incorporates by reference paragraphs "1" through "12" above.

18. In accordance with the terms and conditions of the Policy, Plaintiff timely submitted sworn Proofs of Loss in the aggregate amount of \$268,764.00, as follows:

Business Personal Property

\$143,764.00 + \$25,000.00

Business Income

Unlimited.

Personal Property of Others

\$25,000.00.

TOTAL

\$268,764.00.

19. TRAVELERS is obligated to provide payment under the Policy for the losses sustained by Plaintiff.

20. To date, TRAVELERS has failed to make the required payments under the Policy for the losses sustained by Plaintiff.

21. Due to the foregoing, TRAVELERS is liable to Plaintiffs in the amount of \$300,000 (Policy limit).

22. Due to the foregoing, TRAVELERS is liable to Plaintiffs for its loss to Business Income in the amount of \$75,000.00.

23. Due to the foregoing, TRAVELERS is liable to Plaintiffs for its loss for the Business Property of Others in the amount of \$25,000.00.

24. Due to the foregoing, TRAVELERS breached its obligations under the Policy, and Plaintiffs have been damaged in an amount to be determined by the trier of fact after trial, but not less than the sum of \$268,764.00, together with interest from the date that the payments should have been made.

SECOND CAUSE OF ACTION

25. Plaintiff incorporates by reference paragraphs "1" through "24" above.
26. Due to TRAVELERS's failure to timely and lawfully pay to Plaintiffs amounts due and owing to Plaintiffs pursuant to the terms and conditions of the Policy, Plaintiffs incurred additional consequential losses in an amount to be determined by the trier of fact after trial.

THIRD CAUSE OF ACTION

27. Plaintiff incorporates by reference paragraphs "1" through "26" above.
28. Plaintiff timely submitted a claim to TRAVELERS for its loss.
29. To assist in its claim, Plaintiff retained the services of Phil Davidson, a public adjuster, with considerable experience and knowledge in handling insurance claims.
30. In point of fact, TRAVELERS issued the Insurance Policy and despite its issuance refused to pay a legitimate claim thereon, without any basis to deny such coverage.
31. Upon information and belief, TRAVELERS has similarly issued insurance policies and failed to pay legitimate claims for other insureds.
32. As such, TRAVELERS failure to pay on legitimate insurance claims constitutes a deceptive act with respect to Plaintiff.
33. TRAVELERS failure to pay legitimate claims to other insureds constitutes a deceptive practice in its business operations.
34. The deceptive act and/or practice is directed to insureds and is consumer-oriented.
35. As a result of said deceptive act and/or deceptive practice, Plaintiff has suffered economic loss and damages.
36. Said deceptive acts and/or deceptive practices are violative of the General Business Law §349 and Plaintiff is entitled to recovery thereon.

37. Due to TRAVELERS's violation of General Business Law §349 Plaintiff is entitled to direct and consequential damages including attorney fees to be determined by a trier of fact after trial.

WHEREFORE, Plaintiff demands judgment against TRAVELERS:

- a. On the First Cause of Action, in an amount to be determined by the trier of fact after trial, but not less than the sum of \$630,695.98, together with interest from the date that such payments should have been made;
- b. On the Second Cause of Action, in an amount to be determined by the trier of fact after trial; and
- c. For such other and further relief as the Court deems just and proper, together with all costs and disbursements of this action.

Dated: Queens, New York
August 28, 2023

Yours, etc.,
LAW OFFICE OF SCHWARTZ AND
GREENWOOD



By: Jeffrey Greenwood, Esq.
Attorneys for Plaintiffs
STEPHEN B. KAUFMAN and
LAW OFFICE OF STEPHEN B.
KAUFMAN, P.C.
246-16 Union Turnpike
Bellerose, NY 11426
(718) 347-6100

Index No. 813168/2023E

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

STEPHEN B. KAUFMAN and LAW OFFICE OF STEPHEN B.
KAUFMAN, P.C.,

Plaintiffs

v.

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

LAW OFFICE OF SCHWARTZ AND GREENWOOD, P. C.

Attorneys for PLAINTIFFS

246-16 Union Turnpike

Bellerose, New York 11426

(718) 347-6100

Yale Glazer

From: John Volpe <john.rjs.law@gmail.com>
Sent: Monday, October 23, 2023 1:47 PM
To: Yale Glazer
Subject: Re: 340-1488 (Kaufman) Bronx Supreme 813168/2023E

[WARNING] This email is from an **EXTERNAL** sender. **Do not click** on links or attachments unless you expect them from the sender and know the content is safe.

Yes, that is correct- Thanks

John

On Mon, Oct 23, 2023 at 12:50 PM Yale Glazer <yglazer@lpgmlaw.com> wrote:

Counsel:

This firm represents Travelers in the above referenced matter. To avoid unnecessary discovery and motion practice in New York state court, please advise in writing as to Mr. Kaufman's citizenship. Based on his bio I presume he is still a citizen of the Bronx, but please confirm.

Should you have any questions, please feel free to contact me.

Thanks,
Yale Glazer



Yale Glazer

Partner

Lazare Potter Giacovas & Moyle LLP

747 Third Avenue, 16th Floor

New York, New York 10017

Direct: (212) 784-3291; Mobile: (201) 247-7913

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John P. Volpe, Esq.

Associate

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